



**Metropolitan
St. Louis Sewer
District**

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June 10, 2016

Mr. Anton Lumpkins
ALL Construction LLC
3821 Melba Place
St. Louis, MO 63121

Sent via email to: allconstr2@sbcglobal.net
Date: 06/10/2016
Hard Copy Mailed

RE: Small Contractor Program Removal

Several MSD staff met with you at the District office's on Tuesday, May 31, 2016, in regards to a pattern of poor performance related to MSD's Small Contractor Program. This ongoing pattern of poor performance is unacceptable and is the reason that you are being removed from the Small Contractor Program for a period of one year.

While this decision is due to a pattern of poor performance on several projects, two recent projects remain unresolved, namely 1226 Dunloe Road and 722 Summer Top Circle. Both property owners are justifiably upset on these projects and MSD has chosen to resolve these projects outside your company.

1226 Dunloe Rd. (WO# 3416175)

Below is a summary of the timeline for the 1226 Dunloe Road project.

- February 10, 2016 - Bid from ALL was accepted for a DROP manhole
- February 19, 2016 - Notice to Proceed given
- March 21, 2016 - ALL started installing manhole, inspector never notified
- March 28, 2016 - ALL contacted MSD inspector for the first time, project nearly complete
- March 30, 2016 - ALL sent in invoice for work in an amount \$600 greater than bid
- April 13, 2016 - MSD performed inspection / CCTV
 - No drop was put in for the drop manhole
 - 7 foot of pipe needed to be replaced
 - Lateral connection could not be found
 - Invert of manhole very poorly done
- April 19, 2016 - MSD placed phone call to Mr. Lumpkins, told to correct deficiencies by May 13th
- April 25, 2016 - Follow up phone call with Mr. Lumpkins regarding the deficiencies that need to be resolved by May 13th
- April 26, 2016 - Email from angry homeowner, mud on driveway
- April 27, 2016 - ALL cleans mud off driveway
- May 3, 2016 - ALL begins work to correct deficiencies
- May 31, 2016 - Meeting with Mr. Lumpkins, project still not complete, ALL notified that they being removed from program

EXHIBIT

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- Sod installation found unacceptable

Several items related to your company's performance on this job are considered unacceptable and violate the basic rules of being part of the Small Contractor Program:

- Work was started before notifying the MSD inspector
- Manhole was originally installed without a drop
- Invoice sent in for more than bid amount, no extra approved
- Failure to adequately protect private / public property
- Improper installation of sod
- Failure to meet completion date associated with remediation plan

Most of these items have been pointed out to you as deficiencies in your company's performance several times on other projects and demonstrate a pattern or poor performance. The date of May 13th was provided to complete the project correctly and with proper inspection by MSD personnel. As of May 31st, the project remained incomplete. At no time during this period did you inform MSD that the date would not be met. MSD has estimated that there is \$1,500 of re-sodding that must be redone. Due to your company's inability to complete this project, and homeowner dissatisfaction with your company's performance we have chosen to complete the remainder of the work with another company. This \$1,500 will be deducted from the final payment for this project.

722 Summer Top Circle (WO# 3220911)

October 27, 2015 - Bid from ALL accepted

November 2, 2015 - Notice to Proceed given

January 13, 2016 – MSD issued check for entire outstanding amount

February - May 2016 – Restoration work occurred at various times

May 19, 2016 – Property owner reaches out to MSD, ALL not paying claims, concrete unacceptable

Early June – ALL replaces small concrete slab again, homeowner very upset

Several issues remain outstanding on this project dealing with damage to the property owner's improvements and your company's inability to adequately replace a concrete slab. These items have been detailed to you by MSD and the property owner, several times. These items are consistent with the pattern of poor performance MSD has seen from your company. MSD made full payment late last year, with the assumption the remainder of the restoration work would be completed when the weather improved in the spring. Two previous attempts have been made by your company to replace a small concrete slab. Additionally, a dog fence and sprinkler system were damaged by your company during construction. ALL instructed the homeowner to have the repairs completed and that he would be reimbursed. The property owner is quite upset and requested that your company not return to his property. At this point there is \$2,588.74 outstanding, including an estimate of the concrete work yet to be completed and outstanding property claims by the owner for the dog fence and sprinkler system. Again, MSD has chosen to complete the remainder of the work outside the original work order. The \$2,588.74 will be deducted from the final payment for 1226 Dunloe Rd. as discussed above.

MSD shows no other outstanding work orders with your company beyond these two. If you feel you have other outstanding claims these should be brought to my attention immediately. Below are the details related to a settlement payment in the amount of \$15,161.26 to resolve these last two outstanding work orders. Should you feel this settlement is incorrect, you should contact me before June 15, 2016, otherwise the final payment will be sent to your office.

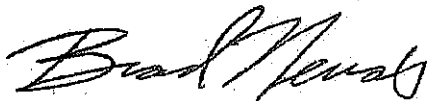
1226 Dunloe Road – Bid Amount	\$19,250.00
Outstanding Sod Replacement – 1226 Dunloe Road	\$1,500.00
Outstanding Dog Fence Claim – 722 Summer Top	\$108.74
Outstanding Sprinkler Claim – 722 Summer Top	\$1,680.00
Outstanding Slab Replacement – 722 Summer Top	<u>\$800.00</u>
Settlement Payment	\$15,161.26

Accordingly, your company has been removed from the Small Contractor Program for one year beginning June 15, 2016. Your company can reapply to the program before the year is up, but MSD will be looking for you to demonstrate what actions have been taken to correct your performance deficiencies. These deficiencies include: poor quality work, work not completed in accordance with MSD Standard Construction Specifications, not notifying MSD inspectors in a timely fashion, the protection of private property and failure to complete work by deadlines. Please note that these deficiencies extend beyond the two projects referenced above.

Should your company be readmitted to the Program, it will be limited to working on only one project at a time until your company can show the ability to consistently perform at an acceptable level. It will be expected that all projects be completed according to District standards, properly inspected, invoiced, and constructed to an acceptable quality of workmanship.

MSD takes pride in the successes of the Small Contractor Program. The Program is designed in a way to assist small contractors in learning the sewer business and provide increased opportunity to small and minority companies all while delivering quality small repairs to our system. Your company now has been removed from the Program for the second time. Please take this opportunity to concentrate on addressing the performance issues pointed out here and feel free to contact me if you have questions.

Sincerely,



Brad Nevois (blnevo@stlmsd.com or 314.768.2731)
Assistant Director of Engineering - Design
Metropolitan St. Louis Sewer District

cc. Rich Unverferth / Director of Engineering / MSD
Michael Buechter / Manager of Project Design / MSD
Shonnah Paredes / Manager of Diversity Programs/ MSD